

EXHIBIT O

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 IN RE: TERRORIST ATTACKS ON
4 SEPTEMBER 11, 2001,

5 v.

03 MDL 1570 (FM)

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6 New York, N.Y.
7 March 22, 2016
10:20 a.m.

8 Before:

9 HON. FRANK MAAS,

10 Magistrate Judge
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1 documents that reflect activities of these individuals. We do
2 not think it is at all complete. Again, we will address the
3 sufficiency of their productions with those defendants.

4 THE COURT: How about Mr. Kabat's argument that there
5 has been no meet and confer here?

6 MR. CARTER: Your Honor, we laid out in our reply
7 brief at page 3 that we raised this at multiple hearings in
8 multiple letters to the Court and there was a consistent
9 response: *Go look for their stuff.* And so we came to the
10 Court to say that is not sufficient. That was our point all
11 along.

12 So, we went down this road for a while. There simply
13 isn't an indication on the record, affirmative, in a response,
14 I have searched all of the records in my possession, custody,
15 or control and you have everything responsive to your discovery
16 requests. And again, we don't want to end up at a deposition
17 and have one of these individuals say, well, of course I
18 maintained a diary during the time that I was Muslim World
19 League Secretary, or of course I have copies of all the
20 speeches I wrote and Fatwahs I issued during that time, or of
21 course I have a copy of my passport from those periods.

22 As an example, your Honor, there is an allegation
23 based on US government investigations that Abdullah Omar Naseef
24 was present at the founding meeting of al Qaeda with Bin Laden
25 in the Sudan. The travels of these individuals, as reflected

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1 by their passports, are relevant.

2 To the extent they have received letters of
3 commendation or similar awards that have lauded their
4 activities during their service and outlined what they did, you
5 would have expected them to be kept. One of them received the
6 King Faisal award for service to Islam. That would describe
7 what that person did.

8 THE COURT: How does that add to the jurisdictional
9 discovery?

10 MR. CARTER: I think the proper question in the
11 jurisdictional discovery was what did these individuals do at
12 these charitable organizations, what was the nature of their
13 roles. I can give you an example, your Honor.

14 In our own investigations we have, by way of example,
15 a report in the Arabic version of the Muslim World League
16 Journal dating to the period in 1992 where defendant Naseef
17 attends a meeting with members of the royal family and the
18 Saudi Grand Mufti, who is the government official during which
19 Naseef thanks the King for the generous support of the Muslim
20 World League and the Grand Mufti indicated the jihad fighters
21 must be encouraged worldwide. A year later Naseef again thanks
22 King Fahd for a donation of 20 million given for Muslims in
23 Bosnia so they could continue their legal jihad against the
24 Serbs.

25 So, these kinds of dialogues about policy issues,

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1 global events, are very relevant to the determination as to
2 whether or not these individuals were responsible for setting
3 in motion the program of support we have described in other
4 pleadings. And, again, it is a matter of them going and
5 searching their own records in the same way that the Court
6 directed defendant Jelaidain to do so.

7 Thank you, your Honor.

8 THE COURT: How about the passports, Mr. Kabat?

9 MR. KABAT: I can ask him for that but I think the
10 proper way --

11 THE COURT: I gather there was a specific request that
12 asked for those. What was your response to that request?

13 MR. KABAT: I don't --

14 THE COURT: Mr. Carter, can you point me in the right
15 direction here?

16 MR. KABAT: Again, your Honor --

17 THE COURT: Hang on just a minute.

18 MR. CARTER: I think in a moment we will be able to.
19 I know there were requests relating to travel to places like
20 Sudan, Afghanistan, Pakistan during relevant periods and,
21 again, that certainly would have encompassed a passport.

22 THE COURT: I thought there was a specific reference
23 to supports in the request.

24 MR. CARTER: There probably was. But I think, your
25 Honor, regardless of the individual request, the overarching

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1 MR. KABAT: Every document request pertains to
2 jurisdictional discovery. Are you carving anything out?

3 THE COURT: I am not carving anything out because my
4 view is the letter which didn't raise specific objections
5 essentially waived those objections and that the general
6 objections that are set forth in the formal document response
7 are not sufficient to assert an objection.

8 Let me just generally, while we are on that topic, the
9 rules applicable to this case, Federal Rules of Civil
10 Procedure, changed as you all know effective December 1st, and
11 the Advisory Committee's notes, I believe it is, suggest that
12 the they should be applied, to the extent possible or
13 practicable -- I am paraphrasing, not quoting -- in cases that
14 are ongoing.

15 So, as far as I'm concerned on a going-forward basis,
16 although I also held the view even before the rule's
17 amendments, general objections are not objections that the
18 Court will give any weight to.

19 Additionally, the change in the rule that I indicated
20 earlier says that if documents are being withheld based on an
21 objection, that must be disclosed in a Rule 34 response.

22 So, I intend to enforce both those provisions of the
23 revised rule.

24 The boiler plate objections that everybody has been
25 using since the beginning of time that objections are vague and